

Claims 1-40 stand rejected under 35 USC §112, second paragraph. Several grounds for rejection were presented. Applicants request withdrawal of Claims 1-27, without prejudice to their right to prosecute the claims in a subsequent application. Prosecution of claims relating to halogen isotopic compounds of the invention is proceeding concurrently in U.S. Application Serial No. 08/554,906. The amendment submitted herewith presents claims directed to the isotopic technetium compounds of the invention. Entry of the amendment is intended to simplify the issues and streamline the prosecution.

New claim 41 is submitted. Claim 41 is generic to the Tc isotopic compounds of the invention. The Tc isotopic embodiments of the invention are disclosed in Examples 20-28 and exemplified by the compounds 114-116, 123-125, 132-134, 141-143, 150-152, 159-161, 168-170, 177-179, 183-185, 189-191, 195-197 and 201-203. In claim 41, the structure recited as "R" is the same as "R₄" of withdrawn claim 1. "R₁," "R₂" and "R₃" of withdrawn claim 1 do not pertain to the Tc isotopic compounds of the invention, therefore the R₄ structure of claim 1 was simply relabeled as "R" in claim 41.

Claims 28 and 40 are amended to change dependency. Claim 40 is also amended to delete "Positron emission tomography" since Tc⁹⁹-labeled compounds of the invention are not useful for PET imaging.

As a result of the amendments, the rejections under §112 second paragraph are believed to be moot. Other rejections which were applied to claims that are now withdrawn are similarly moot. These include the rejection to claim 9 or 11 under 35 USC §101, paragraph 5 of the Office Action, the obviousness-type double patenting rejection, paragraph 6 of the Office Action, the 35 USC §112 first paragraph rejection, paragraph 7 of the Office Action and the rejection under 35 USC §102(b), paragraph 8 of the Office Action.

Paragraph 10 of the Office Action states that Claims 27-39 are allowable over the prior art if re-written in independent form. New claim 41 replaces claim 27 as a new independent

claim from which claims 28-40 depend, directly or indirectly. The amendments to claim 40 are designed to obviate the rejections against it.

Therefore, all claims should now be in condition for allowance, which is hereby respectfully requested.

It is believed that no fee is due under 37 C.F.R. 1.16-1.17 with the submission of these amendments. However, if a fee is due, please deduct the appropriate amount from Deposit Account No. 07-1969.

Respectfully submitted,



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